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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MICHAEL THOMAS THRASHER,

10 Petitioner,

11 v.

12 STEVE SINCLAIR,

13 Respondent.

Case No. C10-1775-RAJ-JPD

REPORT AND RECOMMENDATION


14 This is a federal habeas action filed pursuant to 28 U.S.C. § 2254. On March 4, 2011,
15 this Court issued an Order directing petitioner to show cause why this action should not be
16 dismissed as premature. (Dkt. No. 20.) The Order was mailed to petitioner at his last known
17 residence, but was returned as undeliverable. (*See* Dkt. Nos. 21 and 22.)

18 On May 6, 2011, this Court issued a follow-up to its prior Order to Show Cause in which
19 it directed the Clerk to re-send the March 4th Order to petitioner at a different address which had
20 been provided by respondent in a recent submission. (*See* Dkt. No. 20.) The Court also directed
21 petitioner to file a response to the Court's original Order to Show Cause not later than May 20,
22 2011. On May 17, 2011, the Order mailed to petitioner on May 6th was returned as
23 undeliverable. To date, petitioner has not provided the Court with a new address.

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1 Because over sixty days have passed since mail directed by the Clerk to petitioner at his
2 address of record was *first* returned as undeliverable, and because petitioner has not notified the
3 Court since that time of any more current address, this action should be dismissed, without
4 prejudice, for failure to prosecute pursuant to Local Rule CR 41(b)(2). In addition, respondent's
5 pending motion to stay should be stricken as moot. A proposed order accompanies this Report
6 and Recommendation.

7 DATED this 15th day of June, 2011.

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9 JAMES P. DONOHUE
United States Magistrate Judge